

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:19 CV 248

FRANK STEPHEN ROBERTS	)	
	)	
Plaintiff,	)	ORDER
v.	)	
	)	
DELTA AIRLINES, INC.,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court on Plaintiff's Motion to Extend Time to Respond (Doc. 19) by which Plaintiff requests another thirty-day extension of time to respond to Defendant's Motion to Dismiss (Doc. 14).

The Motion to Dismiss was filed on February 28, 2020. Plaintiff did not respond to that filing within the deadlines set by the Local Rules.

By Order filed on April 13, 2020, the undersigned advised Plaintiff, who is proceeding *pro se*, of the Motion to Dismiss and advised Plaintiff to review Defendant's Motion and supporting brief carefully. (Doc. 16). The Court further advised Plaintiff that if he did not timely submit a response to the Motion to Dismiss, the Court may proceed to consider the Motion to Dismiss without hearing from him. The Court then extended Plaintiff's deadline to respond to the Motion to Dismiss to and including April 27, 2020. Id.

On April 27, 2020, Plaintiff filed a Motion to Extend Time to Respond (Doc. 17) which requested a thirty-day extension of his response deadline. The Court granted Plaintiff's requested extension, and Plaintiff's deadline to respond to the Motion to Dismiss was extended to and including May 27, 2020.

Plaintiff filed the instant Motion, which is nearly identical to his previous request, on June 1, 2020.

The current public health situation has posed, and continues to pose numerous challenges throughout society, and the undersigned does not discount Plaintiff's concerns regarding potential exposure.

At the same time, Defendant's Motion to Dismiss has been pending since February 28, 2020 and Plaintiff has already been given significant time to respond. Though Plaintiff failed to respond to the Motion to Dismiss initially, the undersigned, *sua sponte*, extended Plaintiff's deadline until April 27, 2020 and then granted Plaintiff's request to extend the deadline further to May 27, 2020.

In addition, Plaintiff's motion does not describe any attempts he has made to this point to prepare a response to the Motion to Dismiss.

Under these circumstances, the undersigned has closely considered denial of the motion. However, in view of the continuing public health situation, and specifically recognizing Plaintiff's status as a *pro se* litigant, his motion will be allowed. Plaintiff is advised, though, that absent compelling

circumstances, this extension will be his last and that his deadline for responding to Defendant's Motion to Dismiss will not be extended further.

**IT IS THEREFORE ORDERED THAT** Plaintiff's Motion to Extend Time to Respond (Doc. 19) is **GRANTED**, and Plaintiff's deadline to respond to Defendant's Motion to Dismiss is extended to and including **June 26, 2020**.

Signed: June 5, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

